

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 40

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 23, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4812S.02I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to individual rights in legal proceedings.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2012, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Section 13, article I, Constitution of Missouri, is repealed and
2 two new sections adopted in lieu thereof, to be known as sections 13 and 18(c), to
3 read as follows:

Section 13. That no ex post facto law, nor law impairing the obligation of
2 contracts, [or retrospective in its operation,] or making any irrevocable grant of
3 special privileges or immunities, can be enacted.

**Section 18(c). Notwithstanding the provisions of sections 17 and
2 18(a) of this article to the contrary, in prosecutions for crimes of a
3 sexual nature involving a victim under eighteen years of age, relevant
4 evidence of prior criminal acts, whether charged or uncharged, is
5 admissible for the purpose of corroborating the victim's testimony or
6 demonstrating the defendant's propensity to commit the crime with
7 which he or she is presently charged. The court may exclude relevant
8 evidence of prior criminal acts if the probative value of the evidence
9 is substantially outweighed by the danger of unfair prejudice.**

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.